

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:18-CV-664
Plaintiff,)
v.) JUDGE JOHN R. ADAMS
\$2,244,772.28 SEIZED ON OCTOBER 18,)
2017, FROM HUNTINGTON NATIONAL)
BANK ACCOUNT NUMBER *****3545,)
et al.,)
Defendants.) **JOINT MOTION FOR STAY**

NOW COMES plaintiff, the United States of America, and the Claimants herein (namely, Ryan P. Sheridan, Braking Point Leasing, LLC, Sheridan's Cool Cars, LLC, Sheridan Enterprises, LLC, and Braking Point Recovery Center, LLC), by and through the undersigned counsel, and respectfully move the Court, pursuant to 18 U.S.C. Sections 981(g)(1) and 981(g)(2), for the entry of an Order staying the above-captioned civil forfeiture case pending the completion of the related criminal investigation/potential criminal prosecution of Claimant Ryan P. Sheridan. In support of this motion, the parties respectfully submit the following:

1. On March 22, 2018, the United States filed the Complaint in Forfeiture (R. 1) in this case.
2. On April 20, 2018, Ryan P. Sheridan filed a Verified Claim (R. 17) to the following defendant properties:
 - a.) \$390,066.00 in U.S. Currency seized on October 18, 2017, from the residence of Ryan Sheridan.
 - b.) 1959 Cadillac Hearse (Ghostbusters vehicle), Vehicle ID Number: 59Z023268, seized on January 10, 2018. The vehicle is titled to Ryan P. Sheridan.

- c.) 1995 Chevrolet Caprice Wagon (“Batmobile”), VIN: 1G1BL82P4SR124711, seized on January 10, 2018. The vehicle is titled to Ryan P. Sheridan.
- d.) Contents of LPL Financial Account 68**-**** seized on February 2, 2018. Ryan Sheridan is the sole account holder on the account. As of February 2, 2018, the account balance was \$326,707.62.

3. On April 20, 2018, Braking Point Leasing, LLC, filed a Verified Claim (R. 16) to the following defendant property:

- a.) 2015 Chevrolet Silverado, Vehicle ID Number: 1GC2KVEG7FZ533179, seized on January 10, 2018. The vehicle is titled to Braking Point Leasing, LLC. Ryan P. Sheridan is the sole member of Braking Point Leasing, LLC.

4. On April 20, 2018, Sheridan’s Cool Cars, LLC, filed a Verified Claim (R. 15) to the following defendant property:

- a.) 1981 DeLorean (“Back to the Future” vehicle), VIN: SCEDT26T1BD006297, seized on January 10, 2018. The vehicle is titled to Sheridan’s Cool Cars, LLC. Ryan P. Sheridan is the sole member and managing member of Sheridan’s Cool Cars, LLC.

5. On April 20, 2018, Sheridan Enterprises, LLC, filed a Verified Claim (R. 14) to the following defendant property:

- a.) \$2,244,772.28 seized on October 18, 2017, from Huntington National Bank Account Number *****3545, in the name of Sheridan Enterprises, LLC. Ryan P. Sheridan is the sole member and managing member of Sheridan Enterprises, LLC.

6. On April 20, 2018, Braking Point Recovery Center, LLC, filed a Verified Claim (R. 13) to the following defendant property:

- a.) 2016 Cadillac Escalade, Vehicle ID Number: 1GYS4JKJ8GR403801, seized on January 10, 2018. The vehicle is titled to Braking Point Recovery Center, LLC. Ryan P. Sheridan is the sole member and managing member of Braking Point Recovery Center, LLC.

The alleged illegal activities set forth in the Complaint in Forfeiture (R. 1) – concerning Claimant Ryan P. Sheridan – are the subject of a related health care fraud/money laundering

investigation in this district. In this regard, 18 U.S.C. Sections 981(g)(1) and 981(g)(2) provide as follows:

(g)(1) Upon the motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.

(g)(2) Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that –

(A) the claimant is the subject of a related criminal investigation or case;

(B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and

(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

The undersigned counsel for the United States respectfully represents to the Court that a stay of the instant civil forfeiture action is necessary to protect the government's related criminal investigation/potential criminal prosecution of Ryan P. Sheridan from the expansive scope of civil discovery that would be required in this case. This case is directly related to the ongoing criminal health care fraud/money laundering investigation. Should this case not be stayed, civil discovery could severely compromise confidential law enforcement sources/information, as well as provide improper opportunities for the Claimants to prematurely ascertain the details of the government's criminal investigation.

In addition, the undersigned counsel for the Claimants respectfully represents to the Court that the related criminal investigation/potential criminal prosecution necessitates a stay of the instant civil forfeiture action in order to fully preserve the Fifth Amendment rights of Claimant Ryan P. Sheridan. If this case is not stayed, Ryan P. Sheridan – as a Claimant and as the sole member of the remaining Claimant entities – could be required to respond to the

allegations set forth in the Complaint in Forfeiture (R. 1) through pleadings, discovery and otherwise. The United States has represented that the activities alleged in its detailed Complaint in Forfeiture (R. 1) are the same activities as, and overlap with, the related criminal investigation. Therefore, responding to the allegations, and otherwise defending against the civil forfeiture case, would not only jeopardize Mr. Sheridan's Fifth Amendment rights and potentially permit the United States to use that information in any related criminal proceedings, but could also permit discovery beyond that allowed under Criminal Rule 16 and could expose Mr. Sheridan's potential defenses to the alleged conduct.

BASED UPON THE FOREGOING, the parties respectfully request the entry of an Order staying the instant civil forfeiture case pending the completion of the related criminal investigation/potential criminal prosecution of Claimant Ryan P. Sheridan. The parties further request that the Order grant the Claimants an extension of time to file their Answers to the Complaint in Forfeiture (R. 1) until further Order of the Court. Should an indictment be returned against Claimant Sheridan, it is noted that the outcome of those criminal proceedings likely would determine the outcome of the instant case. A proposed order is attached.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that on this 24th day of April, 2018, a copy of the foregoing Joint Motion for Stay, with attached proposed Order for Stay, was filed electronically. Notice of the filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ James L. Morford _____.
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